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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/479,214	01/07/2000	MASAHIRO IWADATE	862.3202	2786
5514	7590	12/13/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			BRINICH, STEPHEN M	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2624	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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20051201

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

**Office Action Summary**

Application No.

09/479,214

Applicant(s)

IWADATE, MASAHIRO

Examiner

Stephen M. Brinich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-7,18-20 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,18-20 and 23-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-2, 4-7, 18-20, & 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto et al in view of Pipkins.

Re claims 1-2, & 6-7, Hashimoto et al discloses (Figures 23-24; column 38, line 29 - column 39, line 39) an image generator for generating an image communicated from a host computer in page description language and converted to a bitmap form which is then recorded on a recording medium (column 3, line 65 - column 4, line 3). A controller for this process detects errors when they occur and issues a command to restart the image generation process when the errors are resolved.

Re claim 5, Hashimoto et al further discloses (column 4, lines 2-3) a scanner for reading an image and converting it to image data.

Re claims 18, Hashimoto et al further discloses (Figures 5-8) a display unit displaying a screen image for user instructions.

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Hashimoto et al does not disclose a restart of the process in response to a failure to generate an instruction following a predetermined time.

Pipkins discloses (column 7, lines 28-49) an image output generating device (a computer printer) in which a reset (close operation, and optionally job cancellation, after which the device is reset to be ready for a new job) is carried out in response to the absence of an instruction response for a predetermined time, indicative of an image generator error condition (the printer does not support a needed protocol).

Re claims 4, 19-20, & 23-24 (and dependent claims 25-28), Pipkins further discloses (column 7, line 35-37) operator notification of the error that caused an operation close or job cancellation. Specifically, Pipkins describes an example of a fatal error (a printer incapable of processing a given protocol).

Hashimoto et al and Pipkins are combinable because they are from the field of image processing and transmission for image forming.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the Pipkins judgment and notification of an error in response to a failure to receive response after a prespecified time.

The suggestion/motivation for doing so would have been to avoid the problem of a host waiting indefinitely (as described by Pipkins at column 7, lines 30-31).

Therefore, it would have been obvious to combine Hashimoto et al with Pipkins to obtain the invention as specified in claims 1-2, 4-7, 18-20, & 23-28.

***Response to Arguments***

3. Applicant's arguments filed 9/29/05 have been fully considered but they are not persuasive.

Re claim 1, Applicant argues (9/29/05 Response: page 8, line 8 - page 9, line 10) that Hashimoto in view of Pipkin (particularly Pipkin, which is relied upon for these particular elements) does not teach or suggest the recited "controller detects an occurrence of an error in said image generator and, when an error has been detected, issues said image generator an order to execute an initialization or a reset", or that the "controller judges that an error has occurred in said image generator if an instruction that has been transmitted to said image generator is not responded to in a predetermined period of time".

However, as noted above, Pipkin teaches the detection of whether a response to an instruction is received within a predetermined period of time, and, if no such response is

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received, detects an error condition (inability to support a needed protocol) in an image generator (the printer).

Re claims 18 & 23, Applicant's arguments (9/29/05 Response: page 9, line 16 - page 10, line 4) are essentially the same as those addressed above re claim 1 (as noted by Applicant at page 9, lines 16-18).

Again, as noted above, Pipkin teaches the detection of whether a response to an instruction is received within a predetermined period of time, and, if no such response is received, detects an error condition (inability to support a needed protocol) in an image generator (the printer).

Re claims 2, 4-7, 19-20, & 24-28, Applicant argues (9/29/05 Response: page 10, lines 5-9) that these claims are allowable because they depend from claims 1, 18, & 23 (discussed above) and because of their further recitations.

Re parent claims 1, 18, & 23, Applicant's arguments have been addressed above.

Re the further recitations of claims 2, 4-7, 19-20, & 24-28., Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

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**Conclusion**

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning the contents of this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430.

Any inquiry relating to the status of this application or proceeding or any inquiry of a general nature concerning application processing should be directed to the Tech Center

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2600 Customer Service center at 571-272-2600 or to the USPTO

Contact Center at 800-786-9199 or 703-308-4357.

The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 571-273-8300 (as of July 15, 2005).

Hand-carried correspondence may be delivered to the Customer Service Window, located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Stephen M Brinich  
Examiner  
Art Unit 2624

smb   
December 1, 2005



THOMAS D. [illegible]  
[illegible]